

RECORD, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

FEDERAL MINE SAFETY AND HEALTH REVIEW  
COMMISSION

Robert H. Beatty, Jr., of West Virginia, to be a Member of the Federal Mine Safety and Health Review Commission for the remainder of the term expiring August 30, 1998.

EXECUTIVE OFFICE OF THE PRESIDENT

Arthur Bienenstock, of California, to be an Associate Director of the Office of Science and Technology Policy.

DEPARTMENT OF COMMERCE

Raymond G. Kammer, of Maryland, to be Director of the National Institute of Standards and Technology.

DEPARTMENT OF THE INTERIOR

Kevin Gover, of New Mexico, to be an Assistant Secretary of the Interior.

UNITED STATES POSTAL SERVICE

Ernesta Ballard, of Alaska, to be a Governor of the United States Postal Service for a term expiring December 8, 2005.

FEDERAL LABOR RELATIONS AUTHORITY

Dale Cabaniss, of Virginia, to be a Member of the Federal Labor Relations Authority for a term expiring July 29, 2002.

MERIT SYSTEMS PROTECTION BOARD

Susanne T. Marshall, of Virginia, to be a Member of the Merit Systems Protection Board for the term of seven years expiring March 1, 2004.

Frank C. Damrell, Jr., of California, to be United States District Judge for the Eastern District of California.

Martin J. Jenkins, of California, to be United States District Judge for the Northern District of California.

A. Richard Caputo, of Pennsylvania, to be United States District Judge for the Middle District of Pennsylvania.

NATIONAL FOUNDATION ON THE ARTS AND THE  
HUMANITIES

William R. Ferris, of Mississippi, to be Chairperson of the National Endowment for the Humanities for a term of four years.

OFFICE OF PERSONNEL MANAGEMENT

Janice R. Lachance, of Maine, to be Director of the Office of Personnel Management for a term of four years.

NOMINATION OF KEVIN GOVER

Mr. DASCHLE. Mr. President, as we work through the Executive Calendar in the closing hours of the first session of the 105th Congress, I want to call my colleagues' attention to the President's nominee to be Assistant Secretary of the Interior for Indian Affairs, Kevin Gover of Albuquerque, New Mexico.

This appointment is important to my state and my constituents. Approximately 70,000 Native Americans live on nine reservations in South Dakota. Their daily lives are greatly affected by the activities of the BIA.

The appointment is also important to the nation as a whole. Anyone familiar with American history or who believes in the American dream of equal opportunity for all has a stake in federal Indian policy.

The Assistant Secretary of the Interior for Indian Affairs plays a critical

role in setting the agenda for the Bureau of Indian Affairs and has a great impact on the success or failure of federal Indian policy. He or she must understand the history of federal/Indian relations and have a vision for the future of this relationship. The Assistant Secretary for Indian Affairs must not only be accessible to tribal leaders, but also serve as an effective advocate for Indian people within the Executive branch decision-making circles. Finally, the Assistant Secretary must be a manager of the agency as well as a spokesperson for Administration policy.

Kevin Gover is a strong nominee to lead the Bureau of Indian Affairs. He is an enrolled member of the Pawnee Tribe of Oklahoma and is a partner in the law firm Gover, Williams and Janov in Albuquerque, New Mexico. He received his JD from the University of New Mexico and has specialized in federal Indian law, natural resource law, environmental law and housing law.

Kevin Gover has not only the intellectual capability and legal skill, but also the practical experience needed to be effective as Assistant Secretary of the Interior for Indian Affairs. He has worked in Indian Country long enough to see the successes and failures of the Bureau of Indian Affairs, and he has the perspective to help chart its course to the future.

Those of us in this chamber who represent significant Indian constituencies can all attest to the magnitude, complexity and significance of the challenges facing the Bureau of Indian Affairs. Tribal leaders in South Dakota have discussed with me their concerns about broad and important issues such as economic development, education, housing and health care. The BIA must be prepared to play a fair and constructive role in addressing these and other concerns about the quality of life on our reservations. I expect we all want the next Assistant Secretary of the Interior for Indian Affairs to possess the intellect, vision, leadership skills and wisdom to make this organization more effective and responsive to the ever-changing needs of those it serves. I believe Kevin Gover possesses these qualities.

There has been some concern expressed about the role Mr. Gover played as a private attorney in gaming activities in New Mexico. Senator CAMPBELL, Chairman of the Senate Indian Affairs Committee, and Senator INOUE, Vice Chair of the Committee, have both had an opportunity to review the FBI background report on Mr. Gover. They reported in the Committee hearing that they found nothing that should disqualify Mr. Gover from serving as Assistant Secretary. This review obviously included his activities as counsel to tribes with gaming operations in New Mexico. Moreover, in his confirmation hearings, Mr. Gover made clear that while he makes no apology for his support of Indian gaming, as Assistant Secretary he will not tolerate illegal gaming.

Kevin Gover has strong support throughout Indian Country. He enjoys this support because tribes realize that the Bureau of Indian Affairs needs a leader like Kevin Gover to move the BIA into the 21st century. I support this nomination and encourage my colleagues to do likewise.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

HOMEOWNERS PROTECTION ACT  
OF 1997

Mr. SESSIONS. Mr. President, I now ask unanimous consent that the Senate proceed to the consideration of Calendar No. 243, S. 318.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 318) to amend the Truth in Lending Act to require automatic cancellation and notice of cancellation rights with respect to private mortgage insurance which is required by a creditor as a condition for entering into a residential mortgage transaction.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Banking, Housing, and Urban Affairs, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

**SECTION 1. SHORT TITLE.**

*This Act may be cited as the "Homeowners Protection Act of 1997".*

**SEC. 2. DEFINITIONS.**

*In this Act, the following definitions shall apply:*

(1) **CANCELLATION DATE.**—The term "cancellation date" means (at the option of the mortgagor) the date on which the principal balance of a residential mortgage—

(A) based solely on the initial amortization schedule for that mortgage, and irrespective of the outstanding balance for that mortgage on that date, is first scheduled to reach 80 percent of the original value of the property securing the loan; or

(B) based on actual payments, reaches 80 percent of the original value of the property securing the loan.

(2) **GOOD PAYMENT HISTORY.**—The term "good payment history" means, with respect to a mortgagor, that the mortgagor has not—

(A) made a mortgage payment that was 60 days or longer past due during the 12-month period beginning 24 months before the date on which the mortgage reaches the cancellation date; or

(B) made a mortgage payment that was 30 days or longer past due during the 12-month period preceding the date on which the mortgage reaches the cancellation date.

(3) **INITIAL AMORTIZATION SCHEDULE.**—With respect to—

(A) a residential mortgage for which the interest rate is not subject to change, the term "initial amortization schedule" means a schedule established at the time at which a residential mortgage transaction is consummated, showing—

(i) the amount of principal and interest that is due at regular intervals to retire the principal